

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR HERNANDEZ GARCIA,

Defendant.

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CRIMINAL ACTION NO. H-07-0158

MEMORANDUM AND ORDER

Pending before the Court is Defendant's Motion to Suppress Evidence (Doc. No. 16). Specifically, the motion argues that all statements, including written statements, made by Defendant to Customs and Border Protection officers or any other government officer upon his entry to the United States should be suppressed. In its response to this motion, the Government concedes that when Defendant was sent to secondary inspection and the fingerprint check indicated that Defendant was not who he claimed to be, the Defendant should have been administered *Miranda* warnings. Because the Government does not oppose Defendant's motion to suppress, it is hereby **GRANTED**.

**IT IS SO ORDERED.**

SIGNED this 14<sup>th</sup> day of June, 2007.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS  
ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY

AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN  
SENT ONE BY THE COURT.